

AT A REGULAR MEETING OF THE CULPEPER COUNTY BOARD OF SUPERVISORS HELD IN THE BOARD ROOM, LOCATED AT 302 N. MAIN STREET, ON TUESDAY, MARCH 2, 2004

Board Members Present:

John F. Coates, Chairman
Steven L. Walker, Vice-Chairman
William C. Chase, Jr.
Sue D. Hansohn
James C. Lee
Steven E. Nixon
Brad C. Rosenberger

Staff Present:

Frank T. Bossio, County Administrator
J. David Maddox, County Attorney
Valerie H. Lamb, Finance Director
John C. Egertson, Planning Director
Paul Howard, Director of Environmental Services
Peggy S. Crane, Deputy Clerk

CALL TO ORDER

Mr. Coates, Chairman, called the meeting to order at 10:00 a.m.

INVOCATION

Rev. Liz Danielsen, Chaplain, Hospice of the Rapidan, presented the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG

Mr. Rosenberger led the members of the Board and the audience in the Pledge of Allegiance to the flag.

RE: APPROVAL OF AGENDA - ADDITIONS AND/OR DELETIONS

Mr. Bossio, County Administrator, asked that the following items be added to the agenda:

Under **GENERAL COUNTY BUSINESS**, Item 3-A. **RE: UPDATE ON EDUCATION SUMMIT/PART II** – Joe Raichel, co-chair, Chamber's Business Development Committee, will update the Board on the Education Summit/Part II; and Item 3-B. **RE: SCHOOL OVERSIGHT COMMITTEE** – Report from the School Oversight Committee – Joe Ray Daniel.

Mr. Walker moved, seconded by Mr. Lee, to amend the agenda according.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

RE: MINUTES

The minutes of the February 3, 2004 regular meetings were presented to the Board for approval.

Mrs. Hansohn moved, seconded by Mr. Nixon, to approve the minutes as presented.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

CONSENT AGENDA

Mr. Bossio reviewed the following Consent Agenda items with the Board:

- a. The Board will consider approving a budget amendment for the Sheriff's Office for additional State Compensation Board funds in the amount of \$18,889.53. The funds will be used for a Live Scan system, which provides for the electromechanical impression and transmission of fingerprints to the Virginia State Police and FBI. No local funds required.
- b. The Board will consider approving a request from the Sheriff's Office to submit a grant application to the Division of Motor Vehicles in the amount of \$24,500.00 to be used for overtime for traffic enforcement and related equipment. No local funds required.
- c. The Board will consider approving a request from the Sheriff's Office to submit a grant application to the Virginia Tobacco Settlement Foundation in the amount of \$55,839.00 to provide tobacco prevention education and a smoking cessation program targeted at students in grade 6 through 12. Local match in-kind only. **[Note:** The correct amount requested for FY 2005 is \$62,916; \$55,830 was the amount received in FY 2003 and FY 2004.]
- d. The Board will consider approving a request from the Sheriff's Office to submit a grant application to the U.S. Department of Justice for a Bulletproof Vest Partnership Program Grant in the amount of \$10,800.00. Local match of \$5,800 is required and anticipated to come from the Sheriff's Operating Budget.
- e. The Board will consider approving a request from the Parks & Recreation Department to submit a grant application through the Virginia Department of Conservation and Recreation for a 50% matching assistance from the Virginia Outdoor Fund Program. The request will not exceed \$200,000 and the County's 50% match will be in the form of the General Obligation Capital Improvement Bond for construction of recreational facilities.

f. The Board will consider approving a request from the Parks & Recreation Department for a Resolution of Support to be submitted along with the grant application to Virginia Outdoor Fund Program.

g. The Board will consider a Resolution of Recognition for Dr. Jeremy and Merrill Stock for their outstanding farm conservation management practices.

Mr. Chase asked that item c. be removed from the Consent Agenda for further discussion.

Mr. Nixon moved, seconded by Mrs. Hansohn, to approve the Consent Agenda with the exclusion of item c.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

Mr. Chase questioned whether item c. was a function of the Sheriff's Department or an obligation of the School's Health teacher or guidance counselor.

Sheriff Hart explained that the availability of these grant funds to Sheriff's Departments was a result of a settlement between the tobacco companies and the Commonwealth of Virginia. He noted he was the only Sheriff in the Commonwealth who received a grant two years ago and had subsequently received these grant funds since that time. He said it was a resource to enable a Deputy to go into the school system and teach the ill effects of tobacco products, as well to educate the students on the law prohibiting the use of tobacco by anyone 16 years of age and under.

Mrs. Hansohn mentioned that the School System does not apply for grants of this nature.

Mr. Chase moved, seconded by Mr. Lee, to approve item c. on the Consent Agenda.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

GENERAL COUNTY BUSINESS

SPECIAL PRESENTATION

Mr. Coates announced that the Board would present a Resolution of Recognition to Jeremy and Merrill Stock, recipients of the Clean Water/Bay Friendly Farm Award of

Culpeper County for 2003. He welcomed Mr. Stock and Laura Campbell, a member of the Culpeper Soil and Water Conservation Board. Dr. Stock was unable to be present.

Mr. Bossio read the following resolution into the record:

**RESOLUTION OF RECOGNITION
PRESENTED TO
DR. JEREMY AND MERRIL STOCK**

WHEREAS, the Culpeper Soil and Water Conservation District serves this community through programs and activities that enhance water quality of our surface and ground waters; while conserving and protecting our natural resources; and

WHEREAS, in cooperation with the Virginia Department of Conservation and Recreation, farmers who demonstrate outstanding management practices, which conserve our precious natural resources are selected and recognized through the Clean Water/Bay Friendly Farm Award Program; and

WHEREAS, the Culpeper Soil and Water Conservation District has selected Dr. Jeremy and Merrill Stock as the Clean Water/Bay Friendly Farm Award recipient of Culpeper County for year 2003; and

WHEREAS, Dr. Jeremy and Merrill Stock demonstrated a commitment to the conservation of natural resources on their farm through the use of an intensive rotational grazing system and careful nutrient management. Brandy Rock Farm has erected stream fencing to exclude livestock from and established forested buffers of at least 100 feet on all the farm's waterways, protecting stream banks and water quality.

NOW, THEREFORE, BE IT RESOLVED that the Culpeper County Board of Supervisors acknowledges that Dr. Jeremy and Merrill Stock are to be commended for their commitment to protecting and enhancing waters that flow beyond farm boundaries and for the conservation ethic they demonstrate through their farm management practices; and

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Culpeper County Board of Supervisors would like to thank Dr. Jeremy and Merrill Stock for their outstanding farm conservation management practices which includes implementation of a farm nutrient management plan.

DONE, this 2nd day of March 2004.

By: William C. Chase, Jr., Stevensburg District
Sue D. Hansohn, Catalpa District
James C. Lee, Cedar Mountain District
Steven E. Nixon, West Fairfax District
Brad C. Rosenberger, Jefferson District
Steven L. Walker, East Fairfax District

John F. Coates, Chairman
Culpeper County Board of
Supervisors, Salem District

ATTEST:

Frank T. Bossio
Clerk to the Board

Mrs. Campbell expressed her appreciation for the inspiring work done by the Stocks.

RE: UPDATE ON EDUCATION SUMMIT/PART II

Joe Raichel, Wachovia Bank and Chamber's Business Development Committee Co-chair, updated the Board on the Education Summit/Part II. He said that the summits were cosponsored by Wachovia and the Chamber, which allowed for Career Partners. The goal of the program is to bring the community and business leaders together to discuss issues of growth that affect the community and the impact of those issues on the public school system. He invited the Board to attend the summit, which will be held at the Holiday Inn on April 28 in the evening and April 29 in the morning. He noted that Frank Bossio, County Attorney, and Dr. David Cox, Superintendent of Schools, would be among those making presentations, and he welcomed any assistance the Board could provide.

Mr. Chase asked whether the goal was to reach a solution. Mr. Raichel stated the goal was to bring the community and business leaders together to discuss these issues as broadly as possible and hopefully to move forward in a positive direction.

No action was required.

UPDATE FROM SCHOOL CONSTRUCTION OVERSIGHT COMMITTEE

Mr. Coates announced that this agenda item would be delayed until 11:00 a.m.

NEW BUSINESS

COMMITTEE REPORTS

RULES COMMITTEE/FEBRUARY 10, 2004/9:00 A.M.

Mr. Walker reported that the Rules Committee met and was forwarding an item for the Board's consideration concerning a procedure to handle typographic errors and other nonsubstantive corrections on resolutions/ordinances. He said the Committee also discussed the criteria for cash and in-kind contributions, and the criteria for resolutions and proclamations.

David Maddox, County Attorney, stated that the proposed ordinance was before the Board for approval to advertise. He explained that he was seeking a method to correct typographical and nonsubstantive errors in existing ordinances, resolutions, etc., without the full Board's approval and, as a result, had drafted an ordinance modeled on a Prince William County ordinance. He pointed out that subparagraph (e) was added which stipulates that when the County Attorney notes a typographical error or minor mistake of a nonsubstantive nature, he is to consult with the Chairman of the Board for a determination

on whether or not the proposed change should be handled administratively by the County Attorney or presented to the full Board for consideration.

Mr. Walker moved, seconded by Mr. Nixon, to advertise the proposed ordinance for public hearing at the next Board meeting.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Smith, Walker

Motion carried 7 to 0.

See attachment #1 for details of meeting.

E-9-1-1 BOARD OF DIRECTORS/FEBRUARY 19, 2004/7:30 A.M.

Mrs. Hansohn reported that the E-9-1-1 Board of Directors met and discussed its proposed budget. There were no action items for the Board's consideration.

See attachment #2 for details of meeting.

AD HOC ANIMAL SHELTER ADVISORY COMMITTEE/FEBRUARY 24, 2004/10:00 A.M.

Mr. Chase reported that the Ad Hoc Animal Shelter Advisory Committee held its organizational meeting, elected officers, and discussed the Committee's purpose. There were no action items for the Board's consideration.

See attachment #3 for details of meeting.

Mr. Coates recognized Brannon Godfrey, Town Manager, and Councilmen Chip Coleman and Sam Found, who were in the audience.

TOWN/COUNTY INTERACTION COMMITTEE/FEBRUARY 25, 2004/7:30 A.M.

Mr. Chase stated that the Town/County Interaction Committee met. He asked the County Administrator to report on the "BoardDocs" presentation.

Mr. Bossio reported that the major issue discussed was the transition of the County's system of documentation for Board packets to a system called "BoardDocs". He said that representatives from the School System had attended the presentation and participated in the discussion with members of the Town/County Interaction Committee. He stated that the Committee was recommending to both governing bodies that they move forward with the BoardDocs program. He said that the program would reduce paperwork and staff time, resulting in a slight reduction in dollars, but the most important consideration was the ability to provide citizens with the capability to have the Board's and Council's documentation on a website almost instantaneously. He added that it would be a leap forward both in technology and response to County's citizens.

Brannon Godfrey informed the Board that the Town had been considering converting to an electronic government program for several years, and this was the first step in the process to make Council agenda packets and minutes accessible to citizens through an electronic medium. He noted that the key advantages were citizen access and a savings of staff time in preparing Council packets. He distributed a draft comparison of costs showing the current method of preparing Council packets, an in-house electronic program, and the BoardDocs program. He said that the costs varied very little, but the BoardDocs program had many advantages and indicated the pros and cons shown on the bottom of the comparison. He noted that once the documents were put in electronic form and sent electronically to BoardDocs, they would be converted to "html" (required for posting on the web) and citizens, staff and Council and Board members would have access through a web page. He added that closed session items would be accessed by the Board or Council through an individual account, as opposed to being available to the public.

Mr. Godfrey stated that the advantages were optimal citizen and staff access, uniform access to Town and County documents, savings in paper and file space and the Town/County would not have to maintain a file server and web hosting site as documents would be stored off-site in the server at BoardDocs. He said the program would cost each local government \$850 per month. He said his plan was to arrange for Council members who had not seen the presentation to do so and to go back before the Committee at the end of the month to get it on the next Council agenda so that the Town could move forward as soon as possible.

Mr. Walker stated that the exciting part of the program was the ability of the public to access information instantaneously on the web, especially for those individuals who did not have access to Channel 21 coverage of Board meetings. He noted that citizens could keep up to date on meeting dates, agenda items removed and/or added, and other changes.

Mr. Chase agreed that it would be exciting, but he was not sure he could learn how to operate a computer. Mr. Godfrey pointed out that any citizen who shared Mr. Chase's apprehension about computers would have access to a paper copy of documents either through the library or the Town and/or County office.

Mr. Bossio noted that there were computers at the library which were web-enabled. He said also that the information would be transmitted visually on screens in the Board room at some future time.

Mr. Lee said he hoped this would help the Board to move forward with broadband to provide faster internet access.

Mr. Nixon stated he had seen two presentations on BoardDocs and had easily accessed the BoardDocs web page. He said he was in favor of the program and liked the fact that it would provide instantaneous information to the general public.

Mr. Bossio added that another benefit of the program was the immaculate record-keeping over the course of time and the ability to search documents in the entire history that was kept.

Mr. Rosenberger stated that Mr. Chase did not stand alone in his knowledge and use of computers. He said he did not know why the information could not be disseminated through the County and Town web sites, without the use of BoardDocs. He pointed out that he had not heard any reference to the cost of laptop computers.

Mr. Bossio stated that staff would be obtaining information on the costs of laptops and would be coming to the Board with quotes. He said that members could use their own laptops or laptops could be provided. The costs would be considered during the budget process.

Mr. Godfrey stated he did not include the costs of laptops because the cost would be a capital expenditure, and he had only indicated the monthly operating costs.

Mrs. Hansohn pointed out that frequently information was supplied to Board members on the morning of the meeting, and that information would not be on the laptop. Mr. Bossio stated that information would be given in paper form, but would be scanned later into the record.

Mr. Bossio stated that the cost for BoardDocs, exclusive of the laptops, was \$850 per month, and the contract with BoardDocs would be on an annual basis. He suggested that if the Board wished to proceed, the County and Town should join together in the process and move forward in the April or May time frame to implement what he called the beginning piece of a "technological revolution in Culpeper County". He noted that a wireless network had already been tested in and around the Board room, and was fully functional.

. Mr. Chase pointed out that the savings in the program would be in personnel time, but he predicted that no Department head would ask for fewer personnel at budget time. Mr. Bossio agreed, but noted that future growth would impinge upon the County and require staff to provide increased services.

Mr. Rosenberger stated that he did not feel comfortable in moving forward with the concept without having all of the costs, especially during a tight budget season. He pointed out that the cost of laptops needed to be considered, as well as the costs to revamp the Board room.

Mr. Walker pointed out that before the concept could be considered during the budget session, staff needed to know of the Board's interest in proceeding with the concept.

Mr. Coates asked if the School Board was participating in the program. Mr. Bossio replied that Dr. Cox attended the presentation and they had been invited to join with the Town/County, but they had not reached a decision as yet.

Mr. Nixon stated he understood this was to be a collaborative effort among the School Board, the Town Council and the County Board, and the Board would be addressing the concept at this time and costs at a later time. Mr. Bossio stated that was correct.

Mr. Nixon moved, seconded by Mr. Lee, that the Board adopt the concept and move forward with discussions.

Mr. Coates stated that based on the wording of the motion, he could support the motion. Mr. Rosenberger and Mr. Chase agreed.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

See attachment #3 for details of meeting.

Mr. Coates recessed the meeting at 10:55 a.m.

Mr. Coates called the meeting back to order at 11:10 a.m.

UPDATE FROM SCHOOL CONSTRUCTION OVERSIGHT COMMITTEE

Mr. Coates stated that Joe Ray Daniel, Chairman of the School Construction Oversight Committee, would update the Board on the Committee's activities.

Mr. Daniel acknowledged the members of the Committee and School Board who were present: Elizabeth Hutchins, Claudia Vento, Michael Armm, Larry Aylor, Steve Walker, Sue Hansohn, Dr. Cox, Mr. Bossio, and Mrs. Hitchcock who was not on the Committee but was on the School Board. He said the Larry Aylor would present a recommendation from the Architectural Selection and Design Review Subcommittee; Michael Armm would present a recommendation from the Site Selection Subcommittee; and he had a general offer to present.

Larry Aylor, Chairman of the Architectural Selection Subcommittee, reported that the Subcommittee had worked diligently and itemized the steps it had taken during the selection process. The Subcommittee examined 14 proposals submitted in response to an RFP and chose six firms to interview; developed standardized formats for interviews, reference verification, and site visitations; interviewed and selected three firms for further examination; reviewed and inspected examples of construction documents submitted by the three architectural firms; verified references of school officials and contractors who had worked with the three firms; toured existing examples of high schools designed by the three firms; and discussed the results of all information compiled and ranked the firms in order of preference. He said the first choice was SHW; second, BCWH; and third, VMDO. He stated the recommendation of the School Oversight Committee was to submit these three firms in order of preference to the Culpeper County School Board for design of the new high school. Mr. Daniel stated the recommendation of the Subcommittee had been approved unanimously by the overall Committee.

Michael Armm, Chairman of the Site Selection Subcommittee, read the recommendation which had been submitted to the School Oversight Committee: "The School Oversight Committee after extensive study and evaluation recommends that plans proceed to construct the 'new high school' on the existing county site at the intersection of Route 29 Bypass and Route 666. The construction of the new high school will have no adverse impact on the proposed Community Complex." He said the Subcommittee recognized that the site was owned by the County and asked the Board to consider the use of that site for the construction of a new high school. He stated the Subcommittee was cognizant of the fact that many individuals in the community may be concerned about placing a high school there due to the referendum passed approximately two years ago to construct a community complex on the site, primarily for sports fields. He said the

Subcommittee looked at the site very carefully and was convinced that both the school and community complex could coexist at that location.

Mr. Daniel read a motion passed by the School Oversight Committee that was an offer of help from the School Oversight Committee to the School Board: "So moved, to inform the Culpeper County School Board that the School Oversight Committee is willing to negotiate a contract with the architects." He noted that it was an offer of help and it was the School Board's decision whether they would accept the offer.

Mr. Daniel, Mr. Aylor and Mr. Armm expressed their gratitude for being selected as members of the Oversight Committee, and each thanked the other members and County staff for their assistance. Mr. Walker stated that as a member of the Oversight Committee, he would like to offer his thanks to Mr. Daniel and the other members for an excellent job.

Mr. Daniel stated that the new school was a significant project and it was important that it move forward with sound decision-making and in a manner that would meet the needs of the citizens of the community and fulfill the County's responsibility to its students.

Mr. Chase asked whether any of the schools visited were built with plans that could be adapted to the needs of the new 1500-student high school. Mr. Aylor replied that the needs of the students and the different curriculum would have to be considered, but some strong points of various plans could be considered. He said it was up to the entities involved to determine the special needs of the students and staff. Mr. Chase thanked the Committee for its work.

Mr. Daniel indicated that the architect rated as first choice had built at least 50 high schools and part of the process would be meetings between a group of educators and architects to discuss the educational program and determine the specific design to meet the needs for the next 50 years.

Mrs. Hansohn stated that she had viewed the schools built by the top-ranked architect being recommended, and she felt the high school in Sterling could be used as a footprint and modified without a great deal of redesign. Mr. Chase stated that made sense to him.

Mrs. Hansohn expressed her appreciation to the members of the Committee for the time spent in getting the job done in a timely fashion. She said the community representatives on the Committee had such wonderful expertise and knowledge and it was a learning experience for her to sit with them during their meetings.

Mr. Daniel agreed that the Committee members worked extremely hard and were dedicated to fulfilling their mission. He said he was very proud to be associated with every member of the group and it was a pleasure and honor to serve as Chair.

Mr. Walker moved, seconded by Mrs. Hansohn, to endorse the School Construction Oversight Committee's report as presented with the SHW architectural firm ranked number one and the Site Selection Committee report recommendation of the number one site being the County property off Routes 29 and 666 in combination with the Community Complex.

Mr. Maddox stated the distinction to be made was that the request was for the Board to endorse the recommendations for consideration. It was not a commitment of the Board on this property for the School without further deliberations and consideration by the Board.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Smith, Walker

Motion carried 7 to 0.

Mr. Coates thanked the School Construction Oversight Committee for its work.

ECONOMIC DEVELOPMENT REPORT

Carl Sachs, Economic Development Director, presented the following report:

1. Culpeper had been selected as one of the official communities for the Virginia 2007 Community program, in recognition of the 400th year anniversary of the founding of Jamestown. He noted that Culpeper would be a recognized member in the statewide calendar of events during the 2007 celebration.
2. A copy of the Thomas Jefferson Partnership for Economic Development's 2003 annual report was provided to each Board member. He called attention to the back inside cover showing a list of economic development activities of the local communities that support the Thomas Jefferson Partnership.
3. An employee outreach program associated with the SBA Hub Zone program was being initiated. He stated that one of the criteria to be an SBA Hub Zone business was that 35 percent of the employees must live in the hub zone, which includes the northern portion of the Town and a portion of the County adjacent to the Town. An advertisement will be placed in the local newspaper and *Culpeper Minutes* within a week or two identifying the hub zone and asking people who live in that hub zone area to submit their

résumés. He said it was important to do this so that the County could assure businesses that might be interested in locating in Culpeper's hub zone that there was a sufficient number of employees with appropriate skills in the area to meet the 35 percent requirement.

AIRPORT ADVISORY COMMITTEE

Mr. Bossio reported that the Airport Advisory Committee met on February 11, and there were no action items to be forwarded to the full Board.

ADMINISTRATOR'S REPORT

Mr. Bossio reported that:

1. The Centex Work session was scheduled for today, March 2, 2004, from 2:00 p.m. to 4:00 p.m. in the Board of Supervisors Meeting Room;
2. The School Board will have a work session regarding Johnson Controls on March 3, 2004, at 4:00 p.m. in the Binns' conference room. County staff and Board of Supervisors members were invited to attend.

CLOSED SESSION

Mr. Walker moved to enter into closed session, as permitted under the following *Virginia Code* Sections, and for the following reasons:

1. Under *Virginia Code* § 2.2-3711(A)(1), to discuss performance issues relating to specific County employees.
2. Under *Virginia Code* § 2.2-3711(A)(1), to consider: (A) Prospective candidate for reappointment and prospective candidates for appointment to the Disability Services Board;
and (B) prospective candidate for appointment to the Economic Development Advisory Committee.
3. Under *Virginia Code* § 2.2-3711(A)(7), to discuss with the County Attorney litigation relating to land use of a specific property.
4. Under *Virginia Code* § 2.2-3711(A)(30), to discuss status of negotiations of a specific public contract involving the expenditure of public funds.

Seconded by Mrs. Hansohn.

Mr. Coates called for voice vote.

Ayes – Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Nay - Chase

Motion carried 6 to 1.

Mr. Coates informed everyone that the Board would reconvene at 2:00 p.m. for the Centex work session.

The Board entered in closed session at 11:40 a.m.

Mr. Coates recessed the meeting for lunch break at 12:45 p.m.

The Board reconvened at 2:00 p.m.

Mr. Coates polled the members of the Board regarding the closed session held. He asked the individual Board members to certify that to the best of their knowledge, did they certify that (1) only public business matters lawfully exempted from the open meeting requirements under Virginia Freedom of Information Act, and (2) only such public business matters as were identified in the closed session motion by which the closed meeting was convened, were heard, discussed or considered by the Board in the closed session.

Mr. Coates asked that the record show that Mr. Chase did not return for the closed session.

Ayes - Walker, Lee, Coates, Nixon, Rosenberger, Hansohn.

Absent - Chase.

RE: APPOINTMENT TO THE DISABILITY SERVICES BOARD

Mr. Walker moved, seconded by Mr. Lee, to appoint Ray Finefrock to serve on the Disability Services Board.

Mr. Coates called for voice vote.

Ayes – Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Absent – Chase

Motion carried 6 to 0.

ADJOURNMENT

Mr. Nixon moved, seconded by Mr. Walker, to adjourn at 2:13 p.m.

Mr. Coates called for voice vote.

Ayes – Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Absent – Chase

Peggy S. Crane, CMC

Deputy Clerk

John F. Coates, Chairman

ATTEST:

Frank T. Bossio
Clerk of the Board

APPROVED: April 6, 2004

AT THE REGULAR MEETING OF THE CULPEPER COUNTY BOARD OF
SUPERVISORS HELD IN THE BOARD ROOM, LOCATED AT 302 N. MAIN STREET, ON
TUESDAY, MARCH 2, 2004

Board Members Present: *John F. Coates, Chairman*
Steven L. Walker, Vice-Chairman
William C. Chase, Jr.
Sue D. Hansohn
James C. Lee
Steven E. Nixon
Brad C. Rosenberger

Staff Present: Frank T. Bossio, County Administrator
J. David Maddox, County Attorney
John C. Egertson, Planning Director
Sam McLearen, Zoning Administrator
Peggy S. Crane, Deputy Clerk

CALL TO ORDER

Mr. Coates, Chairman, called the meeting to order at 7:00 p.m. and welcomed everyone to the meeting.

CITIZEN FORUM

Mr. Coates opened the Citizen Forum and called for comments on any item that was not on the agenda.

Gladys Williams, Senior Citizens' Center Nutrition Site Coordinator, addressed the Board on how important it was for the seniors to receive a nutritious meal each day and for the seniors to have activities to keep them healthy and happy within a family atmosphere. She explained in detail the different programs and activities that were offered to the seniors. She asked the Board to keep the seniors in mind when considering the budget.

Aaron Greso, West Fairfax District, expressed concern regarding the possibility of a tax increase due to the growth being experienced in the County. He said he found in the *Code of Virginia* that a locality could create a service district by ordinance that provided tax relief to the people within a service district and asked the Board to consider creating such a district. He provided the Board with several citations from the *Code of Virginia*.

With no further comments, Mr. Coates closed the Citizen Forum

RE: AGENDA - ADDITIONS AND/OR DELETIONS

Mr. Walker moved, seconded by Mr. Nixon, to hear the agenda as published.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

PUBLIC HEARING

THE BOARD WILL RECEIVE PUBLIC COMMENTS AND CONSIDER A BUDGET AMENDMENT FOR THE SCHOOL CAPITAL PROJECTS FUND

Mr. Bossio explained that at the end of the budget year, approximately \$660,000 had been returned to the County by the School System and those dollars would need to be reappropriated. He pointed out that the law required the County to hold a public hearing on money to be reappropriated for any amount more than \$500,000 or one percent of the budget, and this public hearing was to consider a budget amendment for the School Capital Projects Fund.

Mr. Coates opened the public hearing and called for public comments.

There were none.

Mr. Coates closed the public hearing.

Mr. Nixon suggested that the reappropriation of these funds be delayed until after a School Board work session scheduled for March 4, 2004 to consider a facilities contract. Mr. Bossio said he had only recently learned of that work session, and he agreed that decisions made at the work session could affect how the monies may or may not be spent.

Mr. Chase moved, seconded by Mr. Nixon, to postpone the budget amendment for 30 days.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

NEW PLANNING COMMISSION BUSINESS

WASHINGTON – 4 LOT SUBDIVISION. Request by Gabriel Washington for approval of a 4-lot subdivision. The property is located on Route 629 in the Salem Magisterial District and contains 10.40 acres. Tax Map/Parcel No. 29/7.

Mr. Sam McLearen, Zoning Administrator, informed the Board that the case had been considered by the Planning Commission and a public hearing was held. The Planning Commission found this application to be consistent with the Subdivision Ordinance. He said that the Planning Commission was recommending to the Board of Supervisors that the subdivision be approved.

Mr. John Egertson, Planning Director, displayed the preliminary plan that highlighted the property being considered. He said the property was zoned R-1 (residential) and the proposed subdivision conformed with the minimum standards of that zone. He noted that the preliminary plan showed four lots, with three lots fronting on Route 629, and the fourth lot fronting on Route 738; three individual driveways, with one joint entrance; and separate drainfields and sites identified on each lot. The plat had been approved by both the Health Department and VDOT.

Mr. Egertson informed the Board that a concern had been raised at the Planning Commission meeting about the topography of the lots and a spring that was being used as a water supply on an adjacent property. He said the Commission tabled the case for 30 days and asked the Health Department to take a second look, which resulted in a minor adjustment to the location of one of the drainfields. He called the Board's attention to a letter he received dated March 2, 2004, opposing the subdivision based primarily on the

drainfield situation and the water supply. He noted that the drainfield and well issues had been approved by the Health Department, and the request was now ready for the Board's consideration.

Mr. Nixon noted that since the property was zoned R-1, the applicant could build one house per 40,000 square feet. Mr. Egertson agreed that the minimum lot size in that district was 40,000 square feet and required 120 feet of State road frontage. He said that if any of the lots were left in two acres, the subdivision would have to have a central water supply, but there could be several more lots depending upon how many drainfields could be found and whether a cul-de-sac was included.

Walter Cheatle, Trigon Development, stated he was representing the applicant, Gabriel Washington, who was the owner's son.

Gabriel Washington, applicant, repeated that the proposal met all of the zoning criteria, and had been approved by VDOT and, ultimately, the Health Department.

Mr. Coates opened the public hearing and called for public comments.

Steve Coffey, Salem District, expressed his concern regarding the spring which flows out of the ground where the new houses were going to be built and the effect their wells and drainfields might have on his and the neighbors' water supply. He noted his concern also about possible contamination of his pond.

Shirley Coffey, Steve Coffey's wife, stated her main concern was regarding the lots fronting on Route 629, which were closest to the spring. She asked that someone from the Board or the Health Department visit the site and look at the topography of the lots and the proximity to the spring.

Mary Frances Creel, Salem District, adjacent property owner, spoke in opposition to the request. She stated she had evidence that the two houses already built had dirtied her well to the point she would need to install an expensive water purification system. She said that the water was turning her clothing red and displayed samples. She noted that two of her neighbors had already installed filtration systems. She said she had her water analyzed and a record made of the amount of iron that had been stirred up and was affecting her well and felt the additional homes would only make the situation worse.

Perry Cabot, representing Concerned Culpeper Citizens, read a statement containing the CCC's concerns and asked that the Board give careful consideration to the

request in order to protect the neighbors' wells in the area. A copy of the statement is available in the County Administrator's office.

Aaron Greso, West Fairfax District, asked the Board to delay the case for 30 days to give the residents of the area an opportunity to obtain a water analysis to use as a baseline in the event their wells were affected by the development.

With no further comments, Mr. Coates closed the public hearing.

Mrs. Hansohn asked Charles Shepherd, Health Department Sanitarian Supervisor, who was in the audience, if he would be willing to answer some questions. Mr. Shepherd stepped to the podium.

Mrs. Hansohn indicated on the preliminary plan the location of the drainfield on Lot D and noted it was larger than most drainfields. She asked Mr. Shepherd what was the typical depth of a drainfield. Mr. Shepherd said under the current regulations, a drainfield in Culpeper County could be anywhere from 2 inches deep to a maximum depth of 60 inches.

Mrs. Hansohn asked what the possibility was that a typical drainfield would affect the well in question. Mr. Shepherd replied that he had not personally visited the site. He said that the current philosophy in the Health Department's regulations was that a minimum of 18 inches of separation distance was required from the bottom of a drainfield to any rock or water in order to purify the aquifer, and that distance could be reduced to 12 inches if a pretreatment unit was used. He explained that he was not a hydrogeologist and did not know the particulars regarding the spring, but the regulations require that a certain distance be maintained from developed springs and a certain distance from undeveloped springs. He said that the Health Department did not recognize a spring as part of a water supply and noted that springs were considered surface waters and could be contaminated after a heavy rain. He said if the drainfield had been properly designed and met the current regulations, it should function properly.

Mr. Coates asked whether anyone on the Planning staff had looked at the property. Mr. Egertson said he had not been out to the site, but the Health Department had been there at least on two occasions because they approved the original plat and then revisited the site after the Planning Commission postponed it and subsequently approved it.

Mr. Coates stated that he had visited the site and could understand Mr. Coffey's concerns. He explained the property was rocky and steep, with the main spring on Mr.

Coffey's property and another spring on the adjacent property belonging to the Mills' family. He said that he understood the concerns expressed by the residents, and appreciated Mr. Washington's desire to sell the property.

Mr. Chase asked whether the slope of the land or the rock formation under the slope carried the affluent of the drainfield in the direction of the spring. Mr. Shepherd said that it did, but the idea was that the affluent would be cleaned up at 18 inches before it reached the aquifer, but a problem could occur if there was a malfunction of the natural treatment process.

Mr. Walker asked whether there was anything that could be done with Lot D. Mrs. Hansohn suggested that perhaps the drainfield could be moved farther to the front and the house moved more to the back of the lot. She stated she would prefer to have the case postponed for 30 days so that the staff could visit the site and have the Health Department revisit the site.

Mr. Coates asked the County Attorney for his comments.

David Maddox informed the Board that he had attended both hearings held by the Planning Commission on this case and heard the comments raised by the neighbors. He said the concerns were legitimate, but it was his understanding that all of the legal requirements had been met by the developer for this development and its site plan. He said under those circumstances it was now a ministerial, and not a discretionary, decision. He noted, however, that if the topography was an issue, even though the Health Department had approved the plan, postponing the case would allow staff to visit the site and see whether there was some way to minimize any possibility that a failure of the drainfield would jeopardize the spring.

Mr. Walker asked whether another public hearing would have to be held if the case were postponed. Mr. Maddox stated his preference would be to hold another public hearing to learn what was found that might change or affect the decision.

Mr. Coates asked Mr. Egertson for his input. Mr. Egertson stated he could go out and look at the lot and the surrounding topography, but the Health Department had changed the drainfield already and the plat conformed to the ordinances. He said he could ask the applicant whether he could push that drainfield forward and reverse the house, but the preliminary plat displayed on the board was ready for approval since it met the criteria of the Code.

Mr. Coates asked Mr. Cheatle whether he would be willing to meet with the staff and the Health Department on the site if the case were tabled for 30 days.

Mr. Cheatle stated he would be more than happy to work with staff. He stated that the site had perked before he became involved with the project. He said he had visited the site with Suzanne Holden-Coates of the Health Department and personally walked all of the lines after the Planning Commission tabled the case. He noted that the spring was an illegal spring, was not boxed off, and did not comply with Health Department standards. He said that Ms. Holden-Coates moved the drainfield on Lot B farther up the hill away from the spring. He noted that the County ordinance would not allow him to move the house to any other location on that site. He said also that he had pointed out to the Planning Commission that the drainfields would percolate the ground and the water would be purified as it proceeded through. He explained why the drainfield had no impact whatsoever on the surrounding wells or the spring. He stated that the houses were where they had to be, but he would be glad to meet with staff at the site if the Board so desired.

Mr. Coates asked the Board to postpone the case for 30 days. He said he understood what Mr. Cheatle had said, but he also understood the concerns of the neighbors, and he owed it to the neighbors to make sure that the County had done everything possible.

Mrs. Hansohn moved, seconded by Mr. Walker to postpone the case for 30 days.

Mr. Rosenberger asked what the time frame was for the Board to take action. He noted neither the tabling that was done by the Planning Commission nor the postponement being proposed had been requested by the applicant.

Mr. Maddox stated he would defer to Mr. Egertson's review of the Code.

Mr. Coates recessed the meeting at 7:55 p.m.

Mr. Coates called the meeting back to order at 8:00 p.m.

Mr. Maddox stated that the Board had 60 days until mid-April to act on this request.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

CASE NO. U-2046-04-1. Request by Dorothy Gaynell Wenzel for approval of a use permit for a package sewage treatment system for an existing dwelling. The property is

located on Route 767 in the Catalpa Magisterial District and contains less than 1 acre. Tax Map/Parcel No. 40B(3)H.

Mr. McLearen informed the Board that the case had been considered by the Planning Commission and a public hearing was held. The Planning Commission found this application to be consistent with Article 17 of the Zoning Ordinance and Chapter 14 of the County Code. He said that the Planning Commission was recommending to the Board of Supervisors that the use permit be approved for a period of five (5) years with the condition that: At such time that public sewer service becomes available to this property, the subject property must connect to the system and the package treatment system must be taken out of service.

Mr. Egertson displayed a tax map highlighting the location of the property and explained it was the site of an existing home with a failing septic system. He said the Health Department had identified an appropriate receiving point for a discharging system, and it was recommended for the Board's approval.

Dorothy Wenzel, applicant, and Bruce Shumway, an adjacent property owner, who would be operating the plant, were present. Ms. Wenzel informed the Board she had been without a septic system for a year, and she would like to have the system installed as soon as possible. Mr. Shumway, stated that he had given Ms. Wenzel an easement across his property for the discharge pipe to discharge into the stream.

Mr. Coates opened the public hearing and called for public comments.

There were none, and Mr. Coates closed the public hearing.

Mrs. Hansohn moved, seconded by Mr. Nixon, to accept the recommendation of the Planning Commission and approve the use permit with the condition noted.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

CASE NO. U-2048-04-1. Request by Peter and Karen Stogbuchner for approval of a use permit for a tenant unit. The property is located on Route 729 in the Catalpa Magisterial District and contains 5.09 acres. Tax Map/Parcel No. 19/57C.

Mr. McLearen informed the Board that the case had been considered by the Planning Commission and a public hearing was held. The Planning Commission found this application to be consistent with Article 17 of the Zoning Ordinance with the following

condition: The tenant unit shall not exceed a maximum of 1,000 square feet of finished floor area. He said that the Planning Commission was recommending to the Board of Supervisors that the use permit be approved with the above referenced condition.

Mr. Egertson displayed a tax map highlighting the location of the property and informed the Board that the applicants currently had a home on the five-acre parcel, which operated as a Bed and Breakfast. He said the request was to construct a second dwelling, which would be subordinate to the primary dwelling, and the intended use was to house a relative.

Mr. Egertson stated that this particular request was on the docket for the Planning Commission last month when the Board acted on an ordinance amendment which addressed tenant units. He noted that the Board action on that ordinance amendment specifically indicated that the applications in the pipeline would be permitted to finish the process and future applications for tenant units would be done administratively based on certain criteria. He said that neither the Planning Commission nor the staff raised any significant concerns, and it was recommended for the Board's approval.

Peter Stogbuchner, applicant, stated the purpose of having another dwelling was to house Mrs. Stogbuchner's aunt. Karen Stogbuchner stated the tenant unit was smaller than their house, actually less than 1,000 square feet, and it would not be used to house any guests of the B&B.

Mr. Coates opened the public hearing and called for public comments.

There were none, and Mr. Coates closed the public hearing.

Mrs. Hansohn moved, seconded by Mr. Lee, to accept the recommendation of the Planning Commission and approve the use permit with the referenced condition.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

PICKETT – 2 LOT SUBDIVISION. Request by William Roger Pickett for approval of a two-lot subdivision. The property is located off Route 613 in the Jefferson Magisterial District and contains 9.51 acres. Tax Map/Parcel No. 2/50.

Mr. McLearen informed the Board that the case had been considered by the Planning Commission and a public hearing was held. The Planning Commission found this application to be consistent with the Subdivision Ordinance. He said that the Planning

Commission was recommending to the Board of Supervisors that this subdivision be approved.

Mr. Egertson displayed a tax map highlighting the location of the property, which was zoned R-1 (residential), and informed the Board that the applicant wished to divide the 9.51 acres into two parcels: One of 5.6 acres for a new house and the second consisting of 3.9 acres with the existing house. He explained that the reason the proposal was being considered as a major division was that the administrative divisions had been exhausted, but it meets the criteria of the ordinance. He said that both the Health Department and VDOT had approved, and it was recommended for the Board's approval.

Roger Pickett, applicant, informed the Board that he was requesting a subdivision so that he could build a house on the second parcel.

Mr. Coates opened the public hearing and called for public comments.

There were none, and Mr. Coates closed the public hearing.

Mr. Rosenberger moved, seconded by Mrs. Hansohn, to accept the recommendation of the Planning Commission and approve.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

CASE NO. U-2050-04-1. Request by the County of Culpeper for approval of a use permit for the installation of a public safety communication tower approximately 150 feet in height. The property is located on Route 729 in the Catalpa Magisterial District and contains 3.00 acres. Tax Map/Parcel No. 41/13A.

Mr. McLearen informed the Board that the case had been considered by the Planning Commission and a public hearing was held. The Planning Commission found this application to be consistent with Article 17 of the Zoning Ordinance. He said that the Planning Commission was recommending to the Board of Supervisors that this use permit be approved.

Mr. Egertson displayed a tax map highlighting the location of the property, which was the site of the proposed County Emergency Operations Center (EOC). He noted that the EOC had been previously site-planned and approved by the Planning Commission and this was a request to place a 150-foot tall monopole to the rear of the EOC. He said that there may be some question now whether 150 feet was the exact height of the tower

that would be required and asked Alan Culpeper, Procurement Director, to provide additional information. He believed the appropriate action would be to postpone the request for a period of time to allow staff to determine the exact height.

Mr. Culpeper stated that the Communications Department had been looking at a 150-foot monopole tower and its primary purpose would be to connect the microwave lengths from the Rixeyville site to the EOC and to the landfill in order to have a loop configuration connecting all four tower sites, as well as back to Fauquier County. He said the County had issued an RFP for the microwave portion and did not have a microwave vendor at the present time to confirm the expected height of the pole. He asked that the request be postponed for 90 days.

Mr. Coates opened the public hearing and called for public comments.

There were none, and Mr. Coates closed the public hearing.

Mr. Chase moved, seconded by Mr. Lee, to postpone the case for 90 days.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

Mr. Rosenberger suggested that since the Board's meeting in April would have a full agenda that the school issue relative to the capital projects fund be shifted to the day meeting rather than the evening meeting. Mr. Bossio said that would be acceptable.

ADJOURNMENT

Mr. Chase moved, seconded by Mr. Walker, to adjourn at 8:16 p.m.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

Peggy S. Crane, CMC
Deputy Clerk

John F. Coates, Chairman

ATTEST:

Frank T. Bossio
Clerk of the Board

APPROVED: April 6, 2004